

OFFICIAL COPY

Fresno, California

March 13, 2001

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
Absent:	Henry Perea	Council President/Out of Town

Andy Souza, Interim City Manager
Hilda Cantu Montoy, City Attorney
Jesse Avila, Assistant City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Jeannette Freeman, Church for Today, gave the invocation, and Councilmember Castillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “DEVELOPMENTAL DISABILITIES AWARENESS MONTH”

PROCLAMATION OF “OUTSTANDING FRESNO HIGH STUDENTS DAY” - COUNCILMEMBER BOYAJIAN

The above proclamations were read and presented.

RECOGNITION OF CARE FRESNO PARTICIPANTS - PRESIDENT PEREA

Recognition made.

CERTIFICATES OF COMMENDATION TO EDISON HIGH SCHOOL TIGERS ACADEMIC DECATHLON TEAM, FRESNO COUNTY 2001 FIRST PLACE WINNERS: EVAN KLAVON, COLLEEN LEWIS, AMANDA LINDSEY, JONATHAN SHINTAKU, SUKAHAMPAL SIDHU, DANIELA SIMUNOVIC, ROGER WAHL, AUGUST WOLF-PETERSON, EMILEE WOODS AND COACH TRACY BRYANT - ACTING PRESIDENT RONQUILLO

Commendation made and a recess was held to attend a reception honoring the students.

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RECESS - 9:36 A.M. - 10:11 A.M. Councilmember Quintero arrived later.

APPROVE MINUTES OF MARCH 6, 2001

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of March 6, 2001, approved as corrected, adding Councilmember Duncan to the “NO” votes on Page 137-113.

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APPROVE AGENDA:

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo
Noes	:	None
Absent	:	Perea, Quintero

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CONSENT CALENDAR:

(1A-3) RESOLUTION - APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH THE TWINING LABORATORIES, INC., FOR INSPECTION AND TESTING FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT UNDER FEDERAL AVIATION ADMINISTRATION AIP GRANT NOS. 3-06-0087-22, 24, 25, 28, 29, 321 32 AND 34

Laid over one week.

(1A-15) (RESOLUTION - AUTHORIZING THE APPLICATION FOR EXTENSION OF THE CITY OF FRESNO ENTERPRISE ZONE DESIGNATION AND AUTHORIZING THE CITY MANAGER TO SUBMIT SUCH APPLICATION TO THE STATE OF CALIFORNIA TECHNOLOGY, TRADE AND COMMERCE AGENCY, AND CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. 01-07 DATED FEBRUARY 20, 2001)

City Clerk Klisch read into the record the correct resolution title as follows:

RESOLUTION - APPROVING ENVIRONMENTAL ASSESSMENT NO. 01-07, MAKING CERTAIN FINDINGS, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE CALIFORNIA TECHNOLOGY TRADE AND COMMERCE AGENCY FOR EXTENDING THE CITY OF FRESNO ENTERPRISE ZONE DESIGNATION, AND AGREEING TO TAKE CERTAIN ACTIONS AND TO OFFER CERTAIN INCENTIVES

So noted. Councilmember Quintero arrived at 10:14 a.m.

ADOPT CONSENT CALENDAR:

(1A-1) APPROVE APPOINTMENT OF ELISABET ESPAILLAT GARCIA TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER CASTILLO

(1A-4) **RESOLUTION NO. 01-76** - DEDICATING CITY-OWNED PROPERTY ON THE NORTH SIDE OF NEES WEST OF INGRAM AVENUE FOR PUBLIC STREET PURPOSES

(1A-5) **RESOLUTION NO. 01-77** - DEDICATING PROPERTY LOCATED AT THE INTERSECTION OF VALENTINE AND MARTY AVENUES NORTH OF GETTYSBURG FOR PUBLIC STREET PURPOSES

(1A-6) AWARD A CONTRACT TO KELLY CONSTRUCTION, IN THE AMOUNT OF \$84,708, FOR INSTALLATION OF A 14" WATER MAIN IN E. MCKINLEY AVENUE FROM MAPLE TO SIERRA VISTA AVENUES

(1A-7) AWARD A CONTRACT TO E & S ELECTRIC IN THE AMOUNT OF \$158,935 FOR TRAFFIC SIGNAL INSTALLATION AT FOXHILL/PERRIN AND PERRIN/SHEPHERD

(1A-8) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO BARNEBEY SUTCLIFFE IN THE ESTIMATED AMOUNT OF \$579,729.60 FOR GRANULAR ACTIVATED CARBON VESSELS

(1A-9) AWARD A CONTRACT TO FRESNO TRUCK CENTER FOR BID ITEMS 1 & 2 IN THE AMOUNT OF \$263,748.43 FOR TWO CLASS 8 CAB-OVER SELF LOADING DUMP TRUCKS

(1A-10) REJECT BID ITEM #17, WHICH WILL BE REBID AT A LATER DATE; AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT, EXCLUDING BID ITEM #17, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO MCCAIN TRAFFIC SUPPLY IN THE ESTIMATED AMOUNT OF \$169,039.05 FOR TRAFFIC SIGNAL POLES AND STREET LIGHT POLES

(1A-13) APPROVE ASSIGNMENT OF ALL RIGHTS AND OBLIGATIONS OF THE APRIL 21, 1993, CONTEL SITE LICENSE AGREEMENT TO CROWN CASTLE GT TO ALLOW CONTINUED OPERATION OF THE CELL SITE AT FIRE STATION 13

(1A-16) * **RESOLUTION NO. 01-78** - 380TH AMENDMENT TO MFS 80-420 AMENDING THE HOURLY RATES FOR CONTRACTED LAW ENFORCEMENT (POLICE) SERVICES (RECONSIDERED AGAIN LATER IN THE MEETING)

(1A-18) AUTHORIZE THE CHIEF OF POLICE TO ADD ONE SWORN POSITION TO THE DEPARTMENT AS A REPLACEMENT FOR THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA) PRESIDENT

1. * **RESOLUTION NO. 01-79** - 18TH AMENDMENT TO PAR 2000-184 RELATIVE TO HIRING A SWORN POSITION TO REPLACE THE FPOA PRESIDENT

(1A-19) * **RESOLUTION NO. 01-80** - 15TH AMENDMENT TO SALARY RES. 2000-186 TO REFLECT THE ADOPTION OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA)

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1B-1) BILL NO. B-33 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PUBLIC NUDITY

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-33 introduced before the Council and laid over, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	Boyajian
Absent	:	Perea

CONTESTED CONSENT CALENDAR ITEMS:

(1A-2) RESOLUTION - DESIGNATING NIXON-EGLI COMPANY AS THE SOLE SOURCE SUPPLIER OF THE MOBIL ATHEY MODEL AV445 SWEEPER WITHOUT ADVERTISED COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION AND AUTHORIZING THE PURCHASE OF ONE MOBIL SWEEPER FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (ACTED UPON LATER IN THE MEETING)

Councilmember Calhoun questioned if the Purchasing Manager had signed-off or approved the matter, with Interim City Manager Souza stating it was his understanding it had gone through Purchasing. Councilmember Calhoun requested that information be included in future sole source matters. By Council consensus action was held off to later in the meeting to check documentation and confirm approval of the Purchasing Manager.

(1A-12) RESOLUTION NO. 01-81 - APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND THE POVERELLO HOUSE TO INCREASE EMERGENCY SHELTER GRANT (ESG) FUNDING USING UNALLOCATED FUNDS

Upon question of Councilmember Calhoun, City Attorney Montoy and HNR Analyst Huseby stated the disbursement of the surplus funds as proposed was legal and briefly explained.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-81 hereby adopted, and the City Manager authorized to enter into said Amendment to the Agreement, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-14) RESOLUTION NO. 01-82 - APPROVING THE FINAL MAP OF TRACT NO. 4974 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. DANTE AND N. POLK AVENUES

(2 - 0) Upon question of Councilmember Calhoun, Development Director Yovino stated sidewalks would be installed on both sides of the street.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-82 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, Statement of Covenants Affecting Land Development for Landscape Maintenance, and Deed of Avigation and Hazard Easement; and the Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien, and Statement of Covenants Affecting Land Development to Plant and Maintain Front Yard Trees, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-15) RESOLUTION NO. 01-83 - APPROVING ENVIRONMENTAL ASSESSMENT NO. 01-07, MAKING CERTAIN FINDINGS, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO THE CALIFORNIA TECHNOLOGY TRADE AND COMMERCE AGENCY FOR EXTENDING THE CITY OF FRESNO ENTERPRISE ZONE DESIGNATION, AND AGREEING TO TAKE CERTAIN ACTIONS AND TO OFFER CERTAIN INCENTIVES

Acting President Ronquillo questioned if the issue of de-zoning areas that were not applicable and moving those areas to where they were needed could be revisited, with Interim City Manager Souza stating staff would attempt to roll that issue into AB 983, introduced Assemblyman Briggs this week, if it had not already been included.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-83 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-17) AUTHORIZE THE CHIEF OF POLICE TO RENEW AN AGREEMENT WITH THE HOUSING AUTHORITY TO RECEIVE \$145,000 TO CONTINUE THE EVICT NARCOTICS FROM PUBLIC HOUSING PROGRAM (ENPH)

1. * RESOLUTION NO. 01-84 - 109TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$45,000 OF ENPH GRANT FUNDS TO COVER THE COST OF ADDING A SENIOR COMMUNITY SERVICES OFFICER

2. * RESOLUTION NO. 01-85 - 17TH AMENDMENT TO PAR RES. 2000-184 ADDING THE SENIOR COMMUNITY SERVICES OFFICER POSITION TO THE POLICE DEPARTMENT

Upon question of Councilmember Calhoun, Chief Winchester and Interim City Manager Souza responded the additional position would not be funded out of the City's general fund, clarified there had never been a formal hiring freeze and explained, and stated the position would be eliminated if grant dollars were not made available next year.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Chief of Police authorized to enter into the Agreement with the Housing Authority for the purpose of continued provision of police services as required by the ENPH Program, and the above entitled Resolution Nos. 01-84 and 01-85 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-16) * RESOLUTION NO. 01-78 - 380TH AMENDMENT TO MFS 80-420 AMENDING THE HOURLY RATES FOR CONTRACTED LAW ENFORCEMENT (POLICE) SERVICES (FROM EARLIER)

On motion of Councilmember Boyajian, seconded by Acting President Ronquillo, duly carried, RESOLVED, reconsideration of the issue hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

Upon question of Acting President Ronquillo, Assistant Police Chief Dyer explained the request for the increase and stated the increases would parallel the three-year FPOA contract increases.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, adoption of the above entitled Resolution No. 01-78 reaffirmed, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-20) APPROVE REQUEST FOR A CONFLICT OF INTEREST WAIVER FOR MARCUS MAGNESS OF THE THOMAS & SNELL LAW FIRM

Upon question of Councilmember Castillo, City Attorney Montoy confirmed the matter had gone through proper protocol and had been approved by her office and briefly explained the process.

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Attorney authorized to execute the conflict of interest waiver pertaining to the matters identified in the staff report only, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

(1A-2) RESOLUTION NO. 01-86 - DESIGNATING NIXON-EGLI COMPANY AS THE SOLE SOURCE SUPPLIER OF THE MOBIL ATHEY MODEL AV445 SWEEPER WITHOUT ADVERTISED COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION AND AUTHORIZING THE PURCHASE OF THE MOBIL SWEEPER FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (CONTINUED FROM EARLIER)

Upon an earlier question of Councilmember Calhoun, Interim Controller Carlton confirmed Purchasing had been involved in the process and gave a brief overview of the issue. Councilmember Calhoun requested future staff reports clearly identify the process that was carried out and Purchasing's approval. Mr. Carlton responded to questions of Councilmembers Castillo and Ronquillo relative to there being only one manufacturer in the United States who had the particular sweeper needed, the process that was conducted, and cost comparisons with old and new sweeper and benefits with the new.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-86 specifying Nixon-Egli Co. as the sole source supplier and authorizing the purchase of one Mobil Athey Model AV445 demonstrator sweeper for use at FYI without competitive bidding pursuant to the sole source exception provided by Administrative Order 3-3 for a pre-negotiated total price not to exceed \$145,880.31 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

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(9:45 A.M.) APPEARANCE BY DAVID SOGHOIAN TO DISCUSS THE OPENING OF HIS GOURMET KITCHEN TRAILER BUSINESS IN THE DOWNTOWN AREA

Mr. Soghoian gave an overview of the issue, requested permission to open his business on his own property, and along with Planning Manager Beach responded to Council questions relative to him leasing this property, location of the property, code prohibitions for such use, and specifics relative to the kitchen/trailer. There was no action taken.

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(9:50 A.M.) APPEARANCE BY GERALD MORENO TO DISCUSS CONTRAILS SPRAYED IN THE SKY BY MILITARY AIRCRAFT

Appearance made with Mr. Moreno expressing concern, displayed photographs and questioned what could be done. Councilmembers Calhoun and Ronquillo briefly commented on the issue and responded. No action was taken.

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(10:30 A.M.) HEARING TO CONSIDER DEVELOPMENT DIRECTOR'S APPROVAL OF CONDITIONAL USE PERMIT (CUP) NO. C-00-209 AND ENVIRONMENTAL FINDINGS, FILED BY WILLIAM PATNAUDE FOR J. ANTHONY CARR, PROPOSED FOUR-STORY MID-RISE BUILDING FOR THE FRESNO HEART HOSPITAL LOCATED AT 40 E. RIVER PARK PLACE WEST (LOCATED IN COUNCIL DISTRICT 6)

1. CONSIDER AND ADOPT THE NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. C-00-209 DATED NOVEMBER 20, 2000

2. RESOLUTION NO. 01-87 - APPROVING CUP NO. C-00-209

Acting President Ronquillo announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun recused himself due to a potential conflict of interest and left at 10:55 a.m.

Briefly reviewed by Councilmember Duncan who stated this was a quality project using private money which would provide quality high paying jobs, and made a motion to approve the CUP, which motion was seconded and acted upon after discussion.

Planning Manager Beach, Heart Hospital CEO Tony Carr, and Development Director Yovino responded to questions and/or and comments of Councilmembers Castillo, Boyajian and Ronquillo relative to why the project was not considered for downtown, serving the indigent, the need for these types of projects to be located downtown for revitalization, the project being good for Fresno overall, benefits in investing downtown, the project adding to the congestion at the Friant/41 ramps, if fees were available for traffic mitigation measures, what the City was doing to ease congestion, Caltrans' efforts for improvements **(3 - 0)** and associated funding, timeline for the project's completion and when the heart hospital would be operational.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. C-00-209 approved, and the above entitled Resolution No. 01-87 approving CUP No. C-00-209 for the Fresno Heart Hospital hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Calhoun, Perea

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Councilmember Calhoun returned to the meeting at 11:11 a.m.

(5A) DIRECT STAFF TO TRACK AND PREPARE A REPORT TO COUNCIL ON EXTRA CITY COSTS INCURRED RELATING TO THE CURRENT ENERGY CRISIS - COUNCILMEMBER DUNCAN

Councilmember Duncan stated unfortunately he felt the Governor was playing fiddle while California cities burned; advised what the State was paying for energy daily stressing it was draining our state and our resources; noted Fresno as a local community was going to be faced with an enormous impact and summer was not even here yet; emphasized it was important for Council and the people to know how much the city was being impacted and commented on the impacts; requested Council's support for staff to keep track and report back adding he hoped, with the accumulation of costs, that someday the City would be able to approach the State for reimbursement; and made a motion to direct staff as outlined above.

Upon request of Councilmember Castillo, Councilmember Duncan gave an update on the co-generation issue. Councilmember Boyajian noted he concurred with some of Councilmember Duncan's comments but stated the current Governor was not all to blame; stated someone was making a lot of money and communities were being held hostage in this crisis; and stressed Council needed to look for solutions and not point fingers and he was in support of obtaining the extra costs.

Acting President Ronquillo stated he was not willing to support the matter at this time and cautioned Council about blaming the Governor on an issue he did not create and explained, and requested a resolution be included in the motion on how the City would cooperate with the State in solving the matter locally. Councilmember Duncan clarified the purpose of his direction was for staff to begin accumulating the costs for a clearer picture and that this was not an issue of blame.

Acting City Manager Quesada and Al Galvez, PG&E, responded to questions of Councilmember Castillo relative to the process of tracking costs and if it would be worthwhile to do so, how long the energy crisis was expected continue, if cost figures were readily available, and obtaining projected costs from PG&E for the next fiscal year. Upon question of Councilmember Castillo relative to recouping costs, Councilmember Duncan clarified his motion was for staff to begin capturing additional costs including police overtime and anything else related to the energy crisis that the City would not have expended otherwise.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, staff directed to track and prepare a report to Council on extra City costs incurred relating to the current energy crisis, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Castillo, Quintero
Noes	:	Ronquillo
Absent	:	Perea

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(5B) DIRECT CITY ATTORNEY TO RESEARCH THE DRAFTING OF AN ORDINANCE RESTRICTING THE NUMBER OF PERMITS FOR SERVICE STATIONS AND CONVENIENCE STORES WITHIN THE CITY TO PROHIBIT SERVICE STATIONS, CONVENIENCE STORES, OR A COMBINATION OF BOTH, TO BE IN OPERATION ON ALL FOUR CORNERS OF ANY INTERSECTION - COUNCILMEMBER QUINTERO

1. SET GUIDELINES PERTAINING TO THE NUMBER OF EITHER TYPE OF OPERATION TO BE ALLOWED WITHIN A SPECIFIED GEOGRAPHIC ZONE

Councilmember Quintero stated the request was self-explanatory and would include both old and new areas and explained, stated he was focusing on convenience stores and gas stations but was not sure if the ordinance should be limited just to them, and made a motion to direct staff as outlined, which was seconded by Acting President Ronquillo. City Attorney Montoy clarified requested action this date would be to research the drafting of an ordinance and develop criteria for disbursing permits to eliminate over-concentrations at one corner, and advised staff would provide a report in three weeks and at that time Council could decide if they wanted to further direct staff to return with an actual ordinance.

Development Director Yovino, Ms. Montoy and Councilmember Quintero responded to comments, questions and/or concerns of Councilmembers Duncan, Calhoun and Castillo and/or clarified issues relative to the current process, concern with Council getting into the business of deciding what types of businesses should be in Fresno and how many were too many (with Councilmember Duncan stating the market should make that decision and he would not support the motion), the motion requesting information only, whether the ordinance would strictly target four corners only or apply to any given street or area, concern with targeting gas stations and convenience stores only, intent of the

motion being to gather information on current restrictions and return with guidelines on how to enact further restrictions or leave the regulations alone, broadening the motion beyond four corners and including other businesses (with Councilmember Quintero stating he had no problem with modifying/broadening his direction but wanted the focus to be the four corners), intent being to eliminate over-concentrations of businesses due to zoning, including the limiting of alcohol sales in the motion, request for clarification of the motion as modified to “broaden” it, and the matter of including other businesses, whereupon Ms. Montoy advised to include all other businesses would require more than three weeks for a report back.

Councilmember Calhoun noted Council was struggling and needed to rethink the issue and further discuss it to give staff a clearer direction, and made a motion to table the matter one week.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Item **5B** tabled one week, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

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(5C) REQUEST UPDATE FROM STAFF RELATING TO THE PACIFIC BELL AND PG&E UNDER GROUNDING OF UTILITIES ALONG THE VENTURA/KINGS CANYON CORRIDOR - COUNCILMEMBER QUINTERO

Councilmember Quintero stated it appeared work had slowed down and questioned why, with Al Galvez, PG&E responding on the three phases of work and advised phase three had stopped due to a letter received from City staff indicating the City would not participate in the joint trench due to lack of funds. Interim City Manager Souza stated the matter would be deferred to the public works department and a report would be provided in one week. Councilmember Quintero requested from PG&E a breakdown on the three phases and there was no further discussion.

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(5D) DIRECT CITY MANAGER TO DIRECT STAFF TO PREPARE A REQUEST FOR PROPOSAL (RFP) TO RETAIN A FIRM TO CONDUCT A STUDY OF PARKING NEEDS OF THE CITY, COUNTY AND STATE - COUNCILMEMBER DUNCAN

Reviewed by Acting President Ronquillo and Councilmember Duncan who stated this was a very important issue for downtown revitalization; advised discussions had been held with Fresno County officials relative to their serious intent to address their own parking needs **(4 - 0)** and they would be participating in the cost for the RFP; noted the State was also interested in obtaining the information, were unable to commit financially at this time, and were inclined to do all they could to help; and stated the partnering of the three agencies was the beginning of a wonderful process to work together and get the parking problems solved. A motion and second was made to approve the direction as outlined.

Brief discussion ensued with Acting President Ronquillo commenting on the RFP and what it would address, the need to determine the actual number of parking spaces needed by all three entities, and for parking structures to be utilized for dual day and night use. Upon question, Interim City Manager Souza stated staff was already conducting related internal work and this direction would be rolled into it, and advised a tray memo would be provided with a timeline for the RFP. Acting President Ronquillo, Councilmember Duncan and Mr. Souza responded to questions of Councilmember Calhoun and clarified issues relative to who would pay for the RFP and if this would be a City or jointly issued RFP.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the City Manager directed to direct staff to prepare a Request for Proposal (RFP) to retain a firm to conduct a study of the parking needs of the City, County and State, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo
Noes	:	None
Absent	:	Perea

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LUNCH RECESS - 12:05 P.M. - 2:00 P.M.

(4) CLOSED SESSION:

(A-1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. BAKMAN WATER COMPANY, ET AL V. CITY OF FRESNO, ET AL., CITY OF FRESNO V. U.S. ARMY CORPS OF ENGINEERS AND THE BOEING COMPANY, ET AL; AND CLAIM OF ALBERT HERRERA
2. CITY OF FRESNO V. COUNTY OF FRESNO, CITY OF CLOVIS AND LAFCO

(A-2) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 CITY NEGOTIATORS: JORGE AGUINIGA, ANDREW SOUZA AND MATTHEW GARGIULO EMPLOYEE ORGANIZATIONS:

1. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
2. CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
3. FRESNO POLICE OFFICERS ASSOCIATION - POLICE MANAGEMENT (FPOA)
4. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
5. STATIONARY ENGINEERS, LOCAL 39

The Council met in closed session at the hour of 2:00 p.m. and adjourned thereafter.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 3:45 p.m. having arrived and hearing no objections, Acting President Ronquillo declared the meeting adjourned.

APPROVED on the 20th day of March, 2001.

Daniel Ronquillo, Acting Council President

ATTEST: _____
Yolanda Salazar, Assistant City Clerk

